

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

United States of America)

v.)

Ryan Bilby)

Case No: 1:04-CR-00038-01-T

USM No: 05446-070

Date of Previous Judgment: 02/04/2005)

Edward C. Roy

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 66 months months is reduced to time served as of 3/3/08.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:

29

Amended Offense Level:

27

Criminal History Category:

I

Criminal History Category:

IPrevious Guideline Range: 87 to 108 months

Amended Guideline Range:

70 to 87 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): Downward variance based on disproportionate sentence increase in crack cocaine cases, cooperation displayed when police went to defendant's home, low level participant, age, and no violence/firearm was involved.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 02/04/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date:

2/26/08Ernest C. Torres

Judge's signature

Effective Date:

03/03/2008

(if different from order date)

Ernest C. Torres, Senior U.S. District Judge

Printed name and title